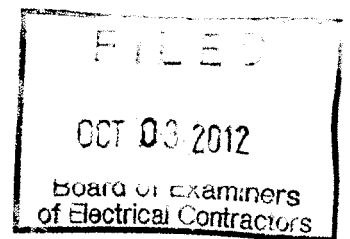


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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF EXAMINERS OF  
ELECTRICAL CONTRACTORS

IN THE MATTER OF THE  
LICENSE OF

BRIAN R. PURCELL  
and BRIAN R. PURCELL  
ELECTRICAL CONTRACTOR  
License and Business Permit  
#11654

Administrative Action

FINAL ORDER  
OF DISCIPLINE

TO PRACTICE ELECTRICAL  
CONTRACTING IN THE STATE  
OF NEW JERSEY

This matter was opened to the New Jersey State Board of Examiners of Electrical Contractors ( "the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a licensed electrical contractor in the State of New Jersey and has been a licensee and a business permit holder at all times relevant hereto.
2. The Board received a renewal application on-line from respondent who indicated that he had been arrested, charged or convicted of a crime or offense not already reported to the Board.
3. As a result, the Board sent a letter dated July 18, 2006 requesting information

concerning respondent's criminal history.

4. In response, respondent sent a letter dated August 15, 2006 indicating that he was arrested and charged with possession of a controlled dangerous substance on June 22, 2005 in Essex County Superior Court and he was admitted into pre-trial intervention on September 6, 2005 and scheduled to appear upon completion of pre-trial intervention on September 8, 2006 along with the following documents:

- a. A letter from Superior Court Pre-trial Intervention Notice to Defendant that he needed to supply certain documents.
- b. An Order of Postponement of Pre-trial Intervention.
- c. A notice advising that Mr. Purcell was scheduled to return to court on September 8, 2006.
- d. A copy of a complaint alleging that Mr. Purcell was in possession of a controlled dangerous substance on June 22, 2005.

5. On or about May 18, 2007, the Board sent a letter by first class mail to Brian R. Purcell requesting additional information concerning respondent's criminal history and evidence of his rehabilitation. No response was received.

6. On or about August 6, 2007, the Board sent a letter by certified and first class mail to respondent requesting that he reply to the Board's letter dated May 18, 2007. The certified letter was returned as unclaimed but the copy sent by first class mail was not returned. No response was received.

#### CONCLUSIONS OF LAW

1. Respondent's failure to reply to the Board communications requesting information and documentation constitutes a failure to cooperate with a Board

investigation, in violation of N.J.A.C. 13:45C-1.2 subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e).

### DISCUSSION

Based on the foregoing finding and conclusions, a Provisional Order of Discipline was entered on June 4, 2008, and a copy was forwarded by certified and regular mail to respondent's address of record. The Order provisionally imposed a reprimand, a civil penalty of \$1,000.00 on respondent for his violation of N.J.A.C. 13:45C-1.2, and provisionally suspend his license and business permit. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

In response to the Provisional Order, respondent provided a letter to the Board dated October 31, 2008. Respondent also provided a letter from "High Focus" concerning his voluntary treatment. Respondent stated that "High Focus" provided him with the tools to return to "a normal functional daily existence." Respondent stated he attends NA meetings an average of three times per week. Respondent also relies upon his "faith" and a "daily schedule" to keep him focused and functional.

The letter from "High Focus" outlined respondent's participation in treatment and described respondent as "educated about the process of recovery" and has developed "individualized relapse prevention plans." Rather than finalizing the Provisional Order, the

Board voted to send respondent a letter requesting he provide a current letter from "High Focus" advising that respondent has completed the program. The Board also requested that respondent forward a letter from his pastor attesting to respondent's character.

The Board sent respondent a letter, dated March 17, 2009, requesting the additional information. The letter was sent to respondent's address of record, via regular mail. Respondent failed to provide the requested information. The Board sent a second letter, dated May 20, 2009, via certified and regular mail, to respondent's address of record. In response, respondent sent a letter to the Board, dated July 9, 2009. Respondent indicated he was having a difficult time acquiring the requested information. Respondent indicated he would go to "High Focus" in person to obtain a report.

The Board sent respondent follow-up letters on March 31, 2010, and September 2, 2010. Both letters were sent certified and regular mail, to respondent's address of record. Both certified mailings were returned "Unclaimed". Both regular mailings were not returned. Respondent did not respond until he called the Board on October 8, 2010 and said he was going to "High Focus" to obtain the requested information. Respondent asked the Board to give him a month. On November 12, 2010, respondent called the Board to say that "High Focus" was going into their archives and that he would pick up the report and deliver it to the Board next week.

Finally, on October 18, 2011, respondent provided the requested documentation to the Board. On January 4, 2012, the Board considered respondent's response. The Board decided that additional questions remained concerning respondent's substance abuse history. Rather than voting to finalize the Provisional Order, the Board voted to require Mr. Purcell to appear for an investigative inquiry.

Respondent appeared before the Board on July 11, 2012. Respondent explained his criminal history, his history of drug use, and his extensive rehabilitation and current maintenance regimen including attending Narcotics anonymous three to five times per week. Respondent explained he had a difficult time attempting to locate the records from "High Focus" and was eventually advised that they no longer had the records concerning his attendance.

After considering respondent's testimony, as well as the entire procedural history of this matter, the Board finds that respondent was not fully cooperative in attempting to locate the requested information and in responding to the Board's numerous letters concerning the matter. Therefore, the Board will impose the reprimand for violating N.J.A.C. 13:45C-1.2. The Board will also assess the \$1,000.00 civil penalty against respondent for violating N.J.A.C. 13:45C-1.2. However, because respondent did ultimately cooperate by attempting to obtain the requested information, the Board will stay the payment of the \$1,000.00 civil penalty. The penalty shall become active upon the Board's receipt of any information, which the Board in its sole discretion deems reliable, demonstrating that respondent has been arrested or convicted of any offense relating to electrical contracting activities or involving moral turpitude; or has engaged in any violations of the Board's statutes or regulations.

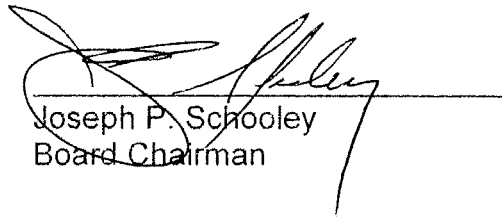
ACCORDINGLY, IT IS on this 3 day of Oct, 2012

ORDERED that:

1. A public reprimand is hereby imposed upon respondent for his violation of N.J.A.C. 13:45C-1.2.
2. A civil penalty in the amount of \$1,000.00 is hereby imposed upon

respondent for the violation of N.J.A.C. 13:45C-1.2. The penalty is stayed and shall become active upon the Board's receipt of any information, which the Board in its sole discretion deems reliable, demonstrating that respondent has been arrested or convicted of any offense relating to electrical contracting activities or involving moral turpitude; or has engaged in any violations of the Board's statutes or regulations.

NEW JERSEY BOARD OF EXAMINERS  
OF ELECTRICAL CONTRACTORS



Joseph P. Schooley  
Board Chairman